

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIGEL FREDRICKS,

Petitioner,

-against-

COMSTOCK, Superintendent,

Respondent.

24-CV-3135 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner Nigel Fredricks filed a *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2241. By order dated August 26, 2024, the Court found that it should be construed as a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, and directed that, if Petitioner did not want to pursue relief under Section 2254, he may notify the Court in writing within 60 days that he wishes to withdraw the petition. On September 20, 2024, the Court received from Petitioner a letter in which he states that he no longer wants to pursue the petition, and requests that the Court dismiss this action. (ECF 31.)

The Court grants Petitioner's request. The Court therefore dismisses this action without prejudice, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

CONCLUSION

Petitioner's request to withdraw this action (ECF 31) is granted. The Court dismisses this action without prejudice. *See* Fed. R. Civ. P. 41(a). All other pending matters in this case are terminated. This order closes this action.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. Cf.

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter a judgment dismissing this action without prejudice.

SO ORDERED.

Dated: September 23, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge